

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,

Plaintiff,

v.

FRANCIE KOEHLER,

Defendant.

Case No. [17-cv-02991-VC](#) (PR)

**ORDER OF DISMISSAL WITH
PREJUDICE**

Plaintiff Steven Wayne Bonilla, a state inmate, has filed a *pro se* civil action under 42 U.S.C. § 1983 against Francie Koehler, who allegedly has exculpatory evidence in Bonilla's state criminal case. Bonilla has been disqualified from proceeding *in forma pauperis* ("IFP") under 28 U.S.C. § 1915(g) unless he is "under imminent danger of serious physical injury" at the time he filed his complaint. 28 U.S.C. 1915(g); *In re Steven Bonilla*, No. C 11-3180 CW (PR); *Bonilla v. Dawson*, No. C 13-0951 CW (PR).

The allegations in this complaint do not show that Bonilla was in imminent danger at the time of filing. Therefore, he may not proceed IFP. Moreover, even if the IFP application were granted, his lawsuit would be barred under *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Accordingly, the case is dismissed with prejudice.

The Clerk shall enter a separate judgment and close the case.

IT IS SO ORDERED.

Dated: June 9, 2017



VINCE CHHABRIA
United States District Judge